



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: September 23, 2008

Department: Zoning, Building, Planning & Env. Health

Staff Contact: Brennon Williams, Zoning Administrator

TITLE: PUBLIC HEARING: Appeals of the Board of Adjustment's determination to uphold the Zoning Administrator's decisions in denying a variance of 8.43 feet and a variance of 18.2 feet to the required minimum lot width for two (2) proposed parcels (CO-80009/BA-80002/ZA-80048 & CO.-80010/BA-80003/ZA-80049)

BOARD OF ADJUSTMENT RECOMMENDATION:

Denial of the appeals.

SUMMARY:

On August 6, 2008, the Board of Adjustment (BA) voted 4-2 (Commissioner Sanchez & Melendrez voting "no" in order to overturn the decisions of the Zoning Administrator; Commissioner Hall excused) to uphold the previous determinations of the Zoning Administrator in denying two (2) variance requests for two (2) proposed parcels. The appellant in these matters seeks authorization to subdivide an existing parcel into two (2) separate lots – one with a proposed lot width of 139.17 feet in width (Tract 3B1), while the other with a proposed lot width of 139.18 feet in width (Tract 3B2). Minimum lot width is required to be an average of not less than 150 feet (Sec. 7.D.1. of the Comprehensive Zoning Ordinance of Bernalillo County).

The subject property is located at 6281 Alvis Dr. SW, zoned A-1, and contains approximately 1.99 acres. The BA's decisions were based on four (4) Findings for each case (Attachment 2), centering on the appellant's inability to meet the criteria for approval as outlined in the Zoning Ordinance. Specifically, it was determined that the subject property did not possess peculiar, exceptional and unusual circumstances to warrant the granting of variances, nor was it demonstrated how the variance requests were limited to the extent necessary to allow reasonable use of the property.

Section 24.B.4.f. of the Zoning Ordinance authorizes the BCC to affirm, deny, change, or modify the rulings, decisions or determinations of the Board of Adjustment when brought forth on appeal.

ATTACHMENTS:

1. Appeal applications
2. Board of Adjustment Notices of Decision (August 22, 2008)
3. Minutes from Board of Adjustment hearing
4. Board of Adjustment packet (August 6, 2008, hearing)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:
Staff recommends denial of the appeals.